

AFFIDAVIT OF SPECIAL AGENT PATRICK FLAHERTY

I, Patrick Flaherty, having been duly sworn, do hereby depose and state as follows:

Agent Background

1. I am a Special Agent with Homeland Security Investigations ("HSI") and have been so employed since July 2007. I have successfully completed a training program in conducting criminal investigations at the Federal Law Enforcement Training Center in Brunswick, Georgia. In 2003, I graduated from the University of Massachusetts at Boston with a B.S. degree in Political Science and Philosophy and Public Policy. My current duties as an HSI Special Agent include conducting investigations involving the fraudulent acquisition, production and misuse of U.S. immigration documents, U.S. passports and identity documents. Due to my training, experience, and conversations with other law enforcement officers, I am familiar with the methods, routines and practices of document counterfeiters, vendors, and persons who fraudulently obtain or assume false identities.

2. I am also a member of HSI's Document and Benefit Fraud Task Force ("DBFTF"), a specialized field investigative group comprised of personnel from various state, local and federal agencies with expertise in detecting, deterring and disrupting organizations and individuals involved in various types of document, identity and benefit fraud schemes. The DBFTF is currently investigating suspected aliens, predominately from the Dominican Republic, who are believed to have obtained stolen identities of United States citizens living in Puerto Rico and used those identities to obtain public benefits which they would not otherwise be eligible to receive, including Massachusetts Registry of Motor Vehicles identity documents, Social Security numbers, Medicaid, and Public Housing. Among other things, a comparison of public benefits records revealed numerous identities who received public benefits in Puerto Rico and

Massachusetts on or about the exact same date.

Purpose of Affidavit

3. I submit this affidavit in support of an application for a criminal complaint seeking an arrest warrant for SADDAN RAFAEL BAUTISTA DIAZ (“BAUTISTA DIAZ”) on the charges of Misuse of a Social Security Number, in violation of 42 U.S.C. § 408(a)(7)(B), and Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A. This affidavit also sets forth facts I believe are sufficient to establish probable cause in support of the issuance of a warrant to search the premises known as 62 Alexander Street, Apartment 1, Dorchester, Massachusetts, as more fully described in Attachment A, for the items set forth in Attachment B.

4. This affidavit is based on my personal knowledge, information provided to me by other law enforcement officers and federal agents, and my review of records described herein. This affidavit is not intended to set forth all of the information that I have learned during this investigation, but includes only the information necessary to establish probable cause for the requested complaint and search warrant.

Probable Cause

The RMV Application

5. On June 27, 2014, an individual, later identified as BAUTISTA DIAZ, appeared in person at the Massachusetts Registry of Motor Vehicles (“RMV”) office and submitted an application for a Massachusetts Identification Card. On the application, BAUTISTA DIAZ identified himself with the name V.R.R., date of birth of xx/xx/1988, and Social Security number (“SSN”) xxx-xx-9178.¹ BAUTISTA DIAZ signed the application under penalty of perjury. A

¹ The identity of the victim, V.R.R.P., is known to the Government. These initials represent the victim’s first name, middle name, paternal last name, and maternal last name. In order to protect the victim’s privacy, only the initials “V.R.R.P.” “V.R.P.” “V.R.R.” or “V.R.” are used in this affidavit to reflect the variations of the victim’s full name that were used by BAUTISTA DIAZ.

photograph of BAUTISTA DIAZ was taken on June 27, 2014, as part of the application process and was stored in the RMV database. As a result of this application, Massachusetts Identification Card number xxxx0212 was issued by the RMV to BAUTISTA DIAZ in the name of V.R.R.

Other Use of the V.R.R.P. Name and Social Security Number

6. The Medicaid Program is a joint federal-state program that provides health coverage to certain categories of people, including eligible low-income adults, children, pregnant women, elderly adults, and individuals with disabilities. Medicaid is administered by the states, according to federal requirements, and is funded jointly by the states and the federal government. MassHealth is the Medicaid Program in Massachusetts.

7. According to MassHealth records, several documents were submitted to MassHealth between March 2017 and May 2018 in connection with applications for health coverage in the name of V.R. using the date of birth xx/xx/1988 and SSN xxx-xx-9178. In an "Affidavit for Proof of Massachusetts Residency for Health Coverage," the individual purporting to be V.R. listed an address of 62 Alexander Street, Apartment 1, Dorchester, Massachusetts 02125.

8. Information obtained by the United States Department of Labor, Office of Inspector General reveals that W-2 earnings were reported to the Commonwealth of Massachusetts in the name of V.R.R. and SSN xxx-xx-9178 from the third quarter of 2014 through the first quarter in 2018.

9. According to records from the Massachusetts Department of Unemployment Assistance ("DUA"), on or about March 27, 2018, a claim for Unemployment Insurance ("UI") benefits was filed with DUA for V.R.R.P. using SSN xxx-xx-9178. The claimant listed a

residential and mailing address of 62 Alexander Street, Apartment 1, Dorchester, Massachusetts 02125. Importantly, the claimant identified himself as a United States citizen, as only United States citizens or immigrants legally present and legally permitted to work in the United States are eligible to receive UI benefits. DUA approved the UI request for benefits for V.R.R.P.

10. The individual purporting to be V.R.R.P. has received \$247 per week in UI benefits since on or about April 12, 2018. The first payment was made via paper check and mailed to V.R.R.P. at 62 Alexander Street, Apartment 1, Dorchester, Massachusetts 02125. Subsequent payments were made via direct deposit to a Bank of America debit card that was mailed to V.R.R.P. at 62 Alexander Street, Apartment 1, Dorchester, Massachusetts 02125.

Confirmation of Valid Social Security Number

11. Social Security Administration, Office of Inspector General (“SSA-OIG”) confirmed that SSN xxx-xx-9178 is a valid SSN that was assigned in 1989 to V.R.R.P. with a date of birth of xx/xx/1988 and place of birth Rio Piedras, Puerto Rico.

Identification of the Imposter

12. In June 2018, United States Department of State personnel sent a request for a facial recognition search against the Cedula database to the United States Embassy in Santo Domingo, Dominican Republic for assistance to identify an individual. The request included a copy of the photograph of the individual who applied for a Massachusetts Identification Card in the name of V.R.R. on June 27, 2014. The facial recognition match identified the individual as potentially being SADDAN RAFAEL BAUTISTA DIAZ with a date of birth of xx/xx/1991, and Dominican Republic Cedula identification number of xxx-xxxx884-0. Included in this match were fingerprints associated with Cedula xxx-xxxx884-0.

13. I know based on my training and experience that a Cedula is a national

identity document issued to residents of the Dominican Republic. I believe that the individual pictured in Cedula Number xxx-xxxx884-0, BAUTISTA DIAZ, appears to be the same person depicted in the photograph that was taken at the RMV in connection with the June 27, 2014, application for a Massachusetts Identification Card in the name of V.R.R.

14. A criminal record check for V.R.P. with a date a birth of xx/xx/1988 revealed a criminal history in Massachusetts, including an arrest by the Weymouth Police Department in 2015 for Distribution of a Class A Substance near a school/park.² The booking photo and copies of the fingerprints associated with the individual arrested by Weymouth Police Department in the name V.R.P. were obtained. The individual in the booking photo taken by the Weymouth Police Department appears to depict the same individual in the photograph taken by the RMV in connection with the June 27, 2014, application for a Massachusetts Identification Card in the name of V.R.R., described above in paragraph 5.

15. The fingerprint impressions from: (i) Dominican Republic Cedula Number xxx-xxxx884-0, and (ii) the Weymouth Police Department arrest of V.R.R. were submitted to the HSI Forensic Lab for analysis. A Fingerprint Specialist at the HSI Forensic Lab determined that these fingerprint impressions all belong to the same individual.

Identification of the True V.R.R.P.

16. United States Department of State personnel in the San Juan, Puerto Rico Resident Office conducted a search of the Driver and Vehicle Information Database (“DAVID”), which includes driver’s licenses and identification cards issued in Puerto Rico, for licenses issued in the name of V.R.R.P. The search revealed that Puerto Rico Identification Card number xxx7479 was issued to an individual in the name V.R.R.P., with a date of birth of xx/xx/1988

² The individual was not prosecuted on these charges.

and a SSN of xxx-xx-9178. The photograph associated with the card was obtained.

17. On July 6, 2018, SSA-OIG agents called the telephone number listed in V.R.R.P.'s SSA file, which was obtained on or about June 28, 2018, when an individual claiming to be V.R.R.P. applied for a replacement SSN card at the SSA District Office in Guaynabo, Puerto Rico. An individual identifying himself as V.R.R.P. answered the telephone. V.R.R.P. provided his parents' names as listed in his SSA file and correctly identified the city in which he was born in Puerto Rico. He correctly stated that his date of birth is xx/xx/1988 and his SSN is xxx-xx-9178. V.R.R.P. confirmed that he has applied for replacement SSN cards in Puerto Rico after losing them, including filing an application in Guaynabo, Puerto Rico about a week prior.

18. V.R.R.P. informed the SSA-OIG agents that he was born and raised in Puerto Rico and that he currently lives in Puerto Rico. He has not lived in the continental United States, but he has visited Florida and Maryland. He obtained a Florida Identification Card on or about April 18, 2012, but he has never applied for a Massachusetts Identification Card or a Massachusetts Driver's License. He has never received MassHealth benefits nor has he received UI benefits in Massachusetts. He has never been arrested in Massachusetts. V.R.R.P. stated that he has never sold his identity or SSN card, nor has he given anyone permission to use his identifying information.

19. On July 10, 2018, SSA-OIG agents telephoned V.R.R.P. using the number listed in V.R.R.P.'s SSA file and asked V.R.R.P. to send photographs of himself and his identification cards. V.R.R.P. sent a photograph of himself and a photograph of his Puerto Rico Identification Card, bearing number xxx7479, his Puerto Rico Electoral Card, bearing number xxx3326, and his Florida Identification Card, bearing number xxxx-xxx-xx-459-0, via text message to one of the SSA-OIG agents.

20. I have viewed the photographs received by Special Agent Zgraggen and conclude that they depict the same person. The Puerto Rico Identification Card in the photograph received by Special Agent Zgraggen matches the Puerto Rico Identification Card that was located in the name of V.R.R.P. as a result of the DAVID search.

21. I have compared the photograph that was taken at the RMV in connection with the June 27, 2014, application for a Massachusetts Identification Card in the name of V.R.R., described above in paragraph 5, to the photographs from the Puerto Rico Identification Card bearing number xxx7479, the Puerto Rico Electoral Card bearing number xxx3326, and the Florida Identification Card bearing number xxxx-xxx-xx-459-0 in the identity of V.R.R.P., and conclude that the photographs do not depict the same person.

Search for Identification Documents

22. As stated in paragraphs 7 and 9 above, BAUTISTA DIAZ listed his address as 62 Alexander Street, Apartment 1, Dorchester, Massachusetts 02125 on documentation submitted to MassHealth and in his application for UI benefits to the DUA using the V.R. identity.

23. On June 21, 2018, at approximately 10:20 a.m., HSI agents observed BAUTISTA DIAZ exit the residence located at 62 Alexander Street in Dorchester, Massachusetts.

24. On June 22, 2018, at approximately 11:35 a.m., HSI agents observed BAUTISTA DIAZ exit the residence, check the mail and reenter the residence located at 62 Alexander Street, Dorchester, Massachusetts.

25. On July 11, 2018, at approximately 3:04 pm, HSI agents observed BAUTISTA DIAZ exit and re-enter the residence located at 62 Alexander Street in Dorchester, Massachusetts.

26. On July 13, 2018, at approximately 9:48 a.m., a United States Postal Inspector, while acting in an undercover capacity as a United States Postal Carrier, attempted to deliver a

United States Postal Service Express Mail parcel addressed to "Vincent Ribas" at 62 Alexander Street, Dorchester, Massachusetts 02125.³ The Inspector went to the apartment door on the first floor of the residence via an enclosed porch and knocked on the door. The door is located in the back right corner of the porch. After receiving no answer, the Inspector began to walk away when a man, later identified as BAUTISTA DIAZ, walked out of the first floor apartment door on to the porch. The Inspector informed BAUTISTA DIAZ that he had a package for "Vincent Ribas." BAUTISTA DIAZ stated that no such person lived at that address. The Inspector asked BAUTISTA DIAZ what names received mail in his unit and he said the first name associated with the V.R.R. Massachusetts Identification Card, the documentation submitted to MassHealth in the name V.R.R., and the claim for UI benefits in the name of V.R.R. BAUTISTA DIAZ also provided a female's name. The Inspector asked BAUTISTA DIAZ if there was anyone in the other apartments by that name and he stated that he was unsure. The Inspector knocked on the other apartment doors located on the exterior of the building, received no answer, and departed after leaving a parcel slip at the residence.

27. I know, based on my training and experience, that:

- a. All individuals, criminals and otherwise, often retain identification documents, including but not limited to birth certificates, passports, and proof of citizenship, in their residences for safekeeping.
- b. It is common for those who use other persons' identities without authorization to conceal fraudulently obtained identification documents in secure locations within their residence to conceal them from law enforcement authorities and to allow for easy access and use when

³ The Express Mail parcel was created by the Inspector. The name "Vincent Ribas" is not valid at that address.

necessary; and

- c. It is common for individuals who use fraudulently obtained identification documents to retain those documents for substantial periods of time so that they can continue to use the fraudulently obtained identities as needed.

28. All agents participating in the search of the premises described in Attachment A will be informed of the full name represented by the initials that appear in Attachment B.

Conclusion

28. Based on the foregoing, I have probable cause to believe that, on or about June 27, 2014, SADDAN RAFAEL BAUTISTA DIAZ falsely represented, with intent to deceive and for any purpose, a number to be the Social Security account number assigned by the Commissioner of Social Security to him, when in fact such number is not the Social Security account number assigned by the Commissioner of Social Security to him, in violation of 42 U.S.C. § 408(a)(7)(B). Further, I have probable cause to believe that on or about June 27, 2014, SADDAN RAFAEL BAUTISTA DIAZ knowingly transferred, possessed and used, during and in relation to any felony violation enumerated in 18 U.S.C. § 1028A(c), and without lawful authority, a means of identification of another person, in violation of 18 U.S.C. § 1028A.

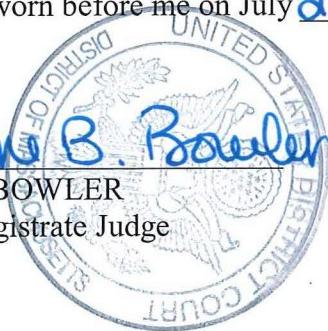
29. Based on the foregoing, I have probable cause to believe that evidence, fruits, and instrumentalities of these crimes, as described in Attachment B, are located in the premises described in Attachment A.

Sworn to under the pains and penalties of perjury.


PATRICK FLAHERTY
Special Agent
Homeland Security Investigations

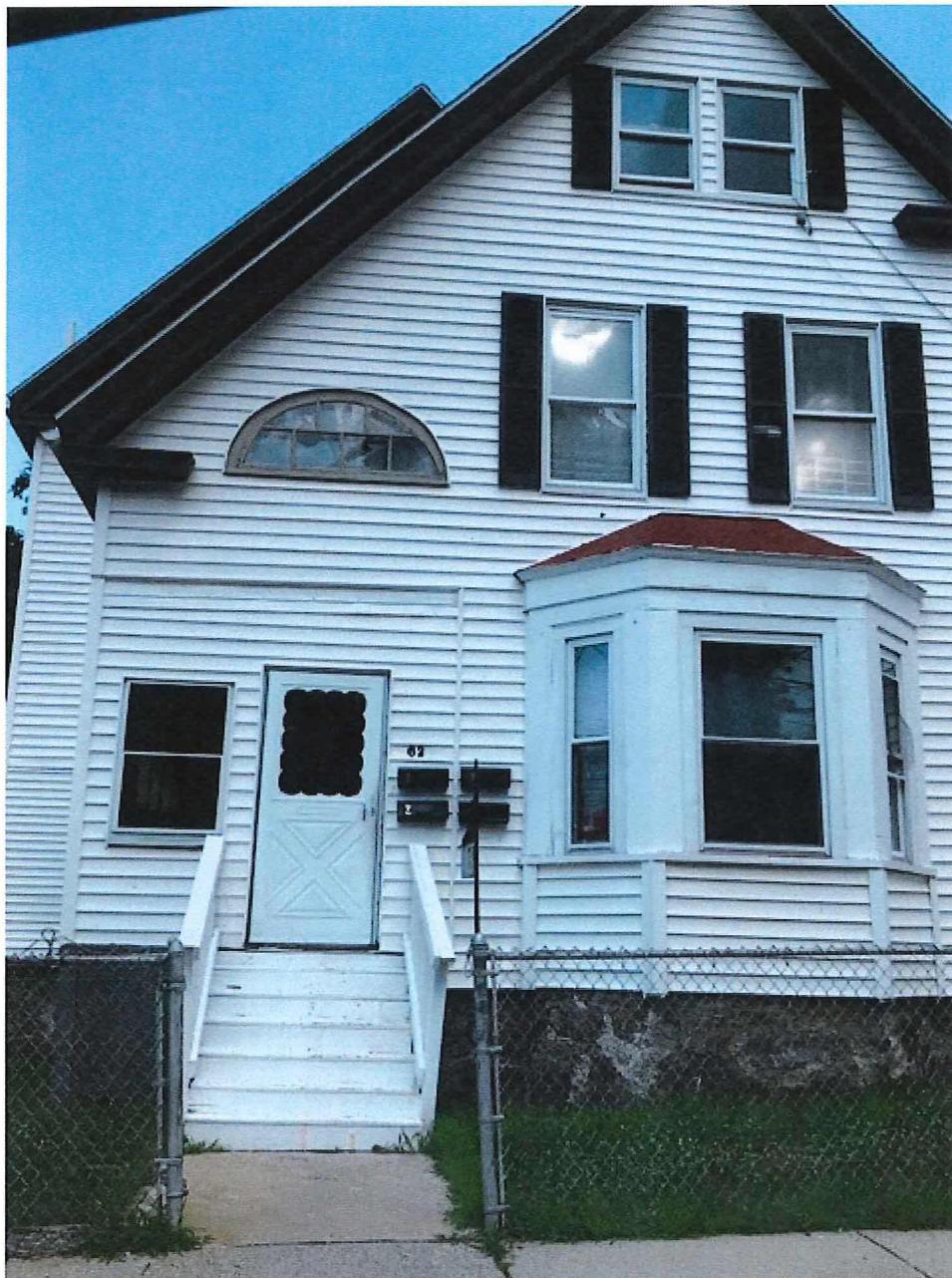
Subscribed and sworn before me on July 24, 2018


MARIANNE B. BOWLER
United States Magistrate Judge



ATTACHMENT A

The premises to be searched is 62 Alexander Street, Apartment 1, Dorchester, Massachusetts 02125. A photograph of the residence appears below. The front entrance to the residence is a white storm door with a black-colored "62" to the right of the door above four mailboxes. The entrance leads to an enclosed porch. Apartment 1 is located on the first floor of the residence in the back right corner of the enclosed porch.



ATTACHMENT B

Evidence to Be Searched for and Seized

1. The following records, documents, and items referencing **SADDAN RAFAEL BAUTISTA DIAZ, V.R.R.P., V.R.P., V.R.R., and V.R.**:
 - a. Any and all state or other government issued (or apparently issued) identification cards; notes; statements and/or receipts that reference same;
 - b. Any and all immigration documents, including but not limited to United States or foreign issued (or apparently issued) passports and identification cards;
 - c. Any and all documents identifying citizenship, including but not limited to birth certificates; voter registration cards; cedulas; and social security cards.
 - d. Any and all documents relating to foreign or domestic travel, including tickets; schedules; itineraries; or receipts.
 - e. Any and all records not specified above, including but not limited to employment records; bank records; credit card records; tax records; marriage records; divorce records; baptismal or confirmation records; land/property/residential rental records; school records; health records; insurance records.
2. Photographs and photograph albums depicting **SADDAN RAFAEL BAUTISTA DIAZ**.